

Baltimore, Frederick and
Hurlock, MD

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EAST COAST UNDERGROUND, INC.
Employer

and

Case 05-RC-148929

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 126
Petitioner

DECISION AND DIRECTION

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in an election held on May 5, 2015, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 36 for and 31 against the Petitioner, with 11 challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings¹ and recommendations.

¹ The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361

DIRECTION

IT IS DIRECTED that the Regional Director for Region 5 shall, within 14 days from the date of this Decision and Direction, open and count the ballots of David O'Steen, Stephen Jackson, Landon Wertz, David Detterbeck, and Christopher Hughes. The Regional Director shall then serve on the parties a revised tally of ballots and issue the appropriate certification.

Dated, Washington, D.C., March 30, 2016.

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

(1957). We have carefully examined the record and find no basis for reversing the findings.

In the absence of exceptions, we adopt pro forma the hearing officer's recommendation that the challenge to the ballots of Stephen Jackson, Landon Wertz, and David Detterbeck be overruled, and that Christopher Hughes' ballot be opened and counted because the Union requested post-hearing to withdraw its challenge to his ballot.